

**REMARKS**

The Official Action mailed June 10, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on April 13, 2004, and May 4, 2005. However, the Applicants have not received acknowledgment of the Information Disclosure Statement filed on March 29, 2004. The IDS does not appear in the Image File Wrapper. As a courtesy to the Examiner, the Applicants resubmit herewith a copy of the Information Disclosure Statement filed on March 29, 2004, together with a copy of the post card confirming receipt of the IDS at OIPE on the same date. It is respectfully submitted that the above-referenced Information Disclosure Statement was properly filed on March 29, 2004, and should be accorded its filing date for the purposes of consideration and compliance with 37 CFR §§ 1.97 and 1.98. The Applicants respectfully submit that copies of the references cited in the Information Disclosure Statement are available in the parent application, Serial No. 10/073,285, filed February 13, 2002, now U.S. Patent No. 6,720,198. Also, please note, the Applicants have crossed through the citation of U.S. Patent Application Publication No. 2002/0071995 to Montgomery et al., because the publication date was not correct. This minor error was corrected in the Information Disclosure Statement filed April 13, 2004, which has been considered by the Examiner. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of this Information Disclosure Statement.

Claims 1-3, 5-24 and 31-47 are pending in the present application, of which claims 1-3, 5 and 6 are independent. Independent claims 1-3, 5 and 6 have been amended to better recite the features of the present invention and to correct minor matters of form. Dependent claims 11, 17, 23, 35 and 41 have been withdrawn from consideration by the Examiner; however, the Examiner has indicated that these claims

would be allowable upon allowance of the independent claims (page 2, Paper No. 20050607). Accordingly, claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-47 are currently elected, of which claims 1-3, 5 and 6 are independent, and claim 1 is generic. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action objects to claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-47, asserting that "Claims 1-6 each recites the subject matter of 'a bank over the wiring and the anode', but, according to the elected species of Figs. 3-6, only a portion of the anode 950 underlies the recited bank 946" (*Id.*). In response, claims 1-3, 5 and 6 have been amended to recite "a portion of" before "the anode." Therefore, the Applicants respectfully submit that amended independent claims 1-3, 5 and 6 and their dependent claims correspond with the elected species. Reconsideration of the objection is requested.

Paragraph 5 of the Official Action rejects claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-47 as obvious based on the combination of U.S. Patent No. 6,194,837 to Ozawa and JP 11-224781 to Nagayama et al. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in

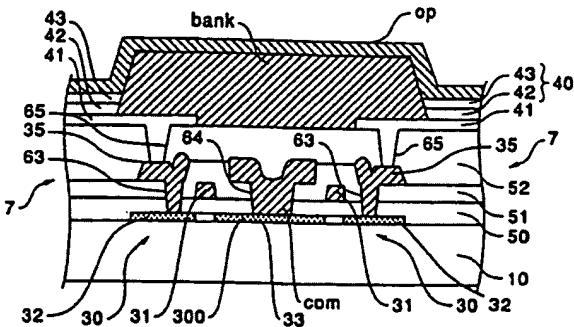
the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1-3, 5 and 6 have been amended to recite "an upper surface of" before "the bank," which is supported at least in Figure 6B of the present specification.

The Official Action appears to rely on organic compound layer (42 and/or 43) in Figure 6A of Ozawa to allegedly teach a first insulating film "over the anode and over (at least a side portion of) the bank" (page 3, *Id.*, emphasis added). However, the organic compound layer is not formed over an upper surface of the bank as recited in the pending claims. As is clear in Figures 6A and 6B of Ozawa, the only layer over the upper surface of the bank is the opposite electrode (op).

Nagayama does not cure the deficiencies in Ozawa. The Official Action relies on Nagayama to allegedly teach "a first insulating film between the anode and the organic compound layer" (*Id.*). However, Ozawa and Nagayama, either alone or in combination, do not teach or suggest an organic compound layer formed (first insulating film) over an upper surface of a bank.

Since Ozawa and Nagayama do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.



Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789